

1 **36. ISSUE: HENDERSHOTT BEHAVED WITH HOSTILITY TOWARD EXECUTIVE**
2 **STAFF AND EXECUTIVE CHIEF LORETTA BARKELL, AND INSTITUTED**
3 **RULES THAT LIMITED CONVEYANCE OF INFORMATION AND CONCERNS**
4 **FROM COMMAND STAFF TO SHERIFF ARPAIO - SUBJECT:**
5 **HENDERSHOTT**
6 (Munnell Memo p. 58)

7
8 **Chief Deputy David Hendershott**
9

- 10 H31A. Allegedly, Chief Deputy David Hendershott behaved with disrespect and
11 arrogance toward members of the command staff, and particularly Executive
12 Chief Loretta Barkell.
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14 H31B. Allegedly, roughly 6-8 years ago, Hendershott informed members of the
15 command staff that they were not to bring controversial issues or concerns to
16 the attention of Sheriff Arpaio during staff meetings.
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18 H31C. Allegedly, in early 2010, Hendershott informed the Executive Chiefs that they
19 and their direct reports were not to bring matters before Sheriff Arpaio during
20 staff meetings without first submitting memoranda to Hendershott, setting forth
21 the nature of the issues they wanted to discuss in the meeting.

22
23 **MUNNELL'S WRITTEN ACCOUNT**
24

25 **Hostile Treatment of Executive Staff and Executive Chief Loretta Barkell**
26

27 After the 2008 election, the Sheriff delegated all operational responsibility and power to the Chief
28 Deputy. Even though there were Deputy Chiefs and executive Chiefs tasked with the Day-to-day
29 operations of the office, the Chief Deputy imposed that all communication, decisions, actions, etc
30 required his approval and signature. The only exception was the administrative functions of
31 budget, finance and human resources. Those areas continued their day-to-day operations without
32 interference by the Chief Deputy.

33 This was allowed as you had insisted those areas report separately to you and keep you fully
34 informed of financial and personnel matters. This did not keep the Hendershott from interfering
35 with all budgeting and finance decisions as well as hiring decisions. In spite of this constant
36 badgering and interference, the staff continued to perform their functions. It was common for the
37 Hendershott to communicate his suspicions that someone was a leak to the County budget office
38 and how he wanted Barkell to find out where the leak was. Barkell told the Hendershott that she
39 was the leak as the information requested by the County was not unreasonable and within their
40 purview to request.

41
42 A tenuous relationship between Chief Deputy Hendershott and Executive Chief of Business
43 Operations Loretta Barkell existed. Barkell was approached and questioned by the FBI and the
44 U.S. Attorney beginning September 2009. She also received a subpoena to appear before the
45 federal grand jury and appeared before the federal grand jury for three hours in January 2010.
46 Hendershott was aware that this individual had been questioned about him and the office situation
47 in general.

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1 The tenuous relationship quickly deteriorated further when Barkell requested her own counsel
2 when the County subpoenas were issued. Barkell, as well as other Chiefs, were subjected to a "no
3 talking rule" during your Sheriff's staff meetings. If we wanted to discuss any office issue at
4 Sheriff's staff meetings, all were required to prepare a memo to Hendershott outlining exactly
5 what required discussion and only after his approval were the Chiefs allowed to bring up the item
6 to you. Only the Hendershott was allowed to bring issues to the you in this office.

7 All Chiefs were told not to go directly to the you. Restrictions were imposed on any type of
8 communications with County, media and between staff. If staff ignored any of the special rules,
9 Hendershott would place the Chief under internal investigation or directly reprimand the Chief for
10 whatever small infraction took place. Every individual having direct contact with the Hendershott
11 feared the worst and knew he would find a way to punish you professionally, publicly or
12 politically.

13 Hendershott constantly badgered the Executive Chief of Business Operations on every memo,
14 policy and financial action that was taken. Hendershott dictated what County meetings the Barkell
15 could or could not attend, dictated who or who not to talk to at the County and also within the
16 Office. She was instructed not to communicate to County or staff via email. She was requested to
17 find a spy at the County for the Sheriff's Office. Barkell witnessed the temper of the Hendershott
18 when he spoke to attorneys, other Chiefs and PIO staff. Basically if you advised Hendershott in
19 any way other than what he wanted, he was furious. If you did not tell him exactly what he
20 wanted to hear, you were subjected to a triad of damning words and threats.

21 After months of abuse, Barkell started experiencing physical problems. The Executive Chief went
22 to the Mayo Clinic. Tests were run and the only thing wrong with her was her blood pressure and
23 getting it under control. There was no physical reason why she was experiencing all the various
24 symptoms and aliments. All the problems, including the blood pressure issue, resulted from
25 severe stress and constant fear of reprisal experienced on the job. On June 24, a doctor placed
26 Barkell on FMLA and eventually returned to work last week.

27 Sheriff, in addition to my personal situation, I know that Deputy Chief Macintyre, Executive Chief
28 Loretta Barkell, and Communications Director Lisa Allen have all recently approached you
29 because David Hendershott's abusive and improper conduct towards them and asked for you to
30 personally intervene, but to no avail. It is very obvious that Hendershott has severely damaged my
31 relationship with you as well as other command staff on the nineteenth floor. It is an absolute
32 shame that the loyal command staff that work hard to do the right thing, to try and protect you and
33 our valued employees, are now the ones wearing the black hats in this organization. Lisa Allen
34 recently approached a Deputy Chief and challenged the all the Deputy Chiefs to put together a
35 petition of "no confidence" to present to you to remove Hendershott as your Chief Deputy due to
36 the ruinous direction he is taking your organization. Allen has also recently told you that you are
37 sacrificing the entire organization for the sake of one person...Hendershott.

38 You and I both know that some of your closest advisors have been very critical of Hendershott and
39 the ruinous direction he is taking this organization. You need to know that good command
40 Officers have left this organization due to the actions of David Hendershott, and others are
41 actively looking for career opportunities elsewhere. Your Chief Deputy does not have the support
42 of the majority of your command staff and are looking to you to hold him accountable for his
43 misconduct and abusive management style.

44 Sheriff, as you well know, every law enforcement organization must be vigilant regarding the
45 conduct of its employees in order to merit public trust. This public trust includes high standards
46 regarding ethical behavior, law-abiding activities, truthfulness, and openness regarding employee
47 misconduct.

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1 For more than a decade, David Hendershott has conducted his professional and personal activities
2 in a manner bringing controversy, discredit, and extreme embarrassment to this Office.
3 Throughout his infamous career with the Maricopa County Sheriff's Office he has earned a
4 reputation in this Office for willful misconduct, coercion, mismanagement, and inappropriate
5 behavior. His performance has led to poor employee morale, negative publicity, and costly
6 litigation that is now being charged our own budget and may result in our employee's being forced
7 to take additional furlough days. I strongly disagree that our employees should be responsible for
8 financing frivolous, counterproductive, and unnecessary lawsuits against the Maricopa County
9 Board of Supervisors. More importantly, David Hendershott's reckless actions, lack of fairness,
10 and serious lack of ethics has had a serious negative impact on many Sheriff's employees, both
11 emotionally and financially.

12
13 Chief Hendershott's style of management depends on large measure upon intimidation and the
14 pervasive fear of retaliation. The oppressive environment that Hendershott has cultivated has
15 caused most Sheriff's employees to refrain from bringing complaints to you about his misconduct
16 and mismanagement.

17
18 For far too long, Hendershott has maintained cozy and questionable relationships with vendors
19 with County contracts and your political supporters. He reportedly hides his day-to-day activities
20 by requiring his personal assistant Lyzandra Ovist to keep some events on his daily calendar on
21 Post-It Notes, so they can be discarded at the end of the day leaving no official record of his
22 activities or the identities of the persons he has met with. He has told the Public Information
23 Officers that his calendar as the Chief Deputy is private and not a public record. In addition, he
24 uses a personally owned notebook computer and a personal email account to conduct office
25 business. This is hardly appropriate for any public servant, especially the Chief Deputy of a law
26 enforcement agency.

27 WITNESSES LISTED BY MUNNELL

30 Admin Asst. Lyzandra Ovist	Assistant to Hendershott. Didn't approve behavior.
31 Sergeant Jim Kempher	Knowledge of Hendershott fear of listening devices.
32 Admin Asst. Pauline Garcia	Temporarily assigned as Hendershott Assistant.
33 Communications Lisa Allen	Aware of refusal of Hendershott to disclose calendar.
34 Lt. Brian Lee	Aware of Hendershott' refusal to provide accurate info.

35 DOCUMENTARY EVIDENCE

36 G7. 6/9/10 – Email by Barkell re: Employees Noncompliant with Furlough 37 Policy (received from Barkell 1/3/11)

38 Chief Hendershott reported that Loretta Barkell had sent out an email that was, in his
39 opinion, highly offensive to the command staff, relating to noncompliance by employees
40 with the furlough policy. Attached to the email was a table that listed the names of
41 persons who had not taken the required furlough. There were 299 employees listed,
42 sorted by the number of hours of furlough that had or had not been taken. Of these
43 employees, 14 had taken no furlough, and of these 14, 2 command Officers had taken
44 no furlough up to this point, Executive Chiefs Brian Sands and Jerry Sheridan. The text
45 of Ms. Barkell's email was as follows.

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I have had six briefing boards distributed to employees about taking the required furlough for this fiscal year. It is especially disheartening when I know the \$11 clerk took the entire 56 hours and a Deputy Chief has only taken two hours. All timekeepers have received this information and my staff is getting phone calls on why the \$11 clerk had to take it and the Deputy Chief has not- shame on us. There is one pay period left to get this done. Please review the list and have your staff take the furlough so we can meet the required amount of savings for the general fund budget. It is not fair to all the others who have taken the furlough and endured the hardship that came with it.

WITNESS ACCOUNTS

It should be noted that, during the investigation, it became clear that, at least according to some command staff witnesses, there were two dictates from Hendershott at play, (1) that controversial issues not be presented in staff meetings when Sheriff Arpaio was in attendance, and (2) that issues that persons wanted to bring up in staff meetings with Sheriff Arpaio should first be presented to Hendershott in memo form so he could brief the issues. For ease of identification, these two dictates have been termed the "No Controversy" Rule and the "Memo First" Rule.

Frank Munnell

Munnell's information on this subject primarily comes from Barkell. His account during the investigative interview is found on pp. 92-93 of Exhibit II 28b.

Ray Churay

No Controversy Rule. Churay agreed with the investigative team that Hendershott had a "No Controversy Rule" in place, basically preventing MCSO staff from presently directly to the Sheriff issues which may upset or be deemed controversial by the Sheriff. Hendershott told Churay that he and other staff should discuss issues with Hendershott directly, prior to going to the Sheriff, so that Hendershott could direct him in how to present it to the Sheriff and/or accompany him to meeting with the Sheriff. Churay saw this as a chain of command issue and believed Hendershott was trying to stay informed on all issues being presented to the Sheriff.

Memo First Rule. Churay denied knowing about the memo first rule, which would make sense, insofar as the dictate was reportedly directed to the Executive Chiefs.

Steven Werner

No Controversy Rule. Werner said that here was no spoken rule about not bringing controversial issues up directly to the Sheriff without first clearing the subject with Hendershott, but the Chiefs understood the unspoken rule nonetheless.

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A: I never, nobody ever said this is titled as a rule, okay. But, when you're a new Chief and you're just full of great ideas that you think that need to be come forward and you bring them out and then all of a sudden you're brought into his office and he wants you to go with whatever you're going to discuss and he tells you, yeah, do this, do that. There have been times that I have a very good relationship. I never thought I abused it with the Sheriff. Meaning that I would love enjoy talking with the Sheriff. And then the Sheriff would bring up issues and I'd say, well the Chief Deputy this and that and then I would get a call either from the Chief Deputy or be brought into his office and say, why did you tell the Sheriff this, why did you tell the Sheriff that? You know? Then you learn. It's like being hit with a baseball bat. You know you only want to be hit once. And then, and then you have to say to the Sheriff, you have to be careful what you say to the Sheriff because the Sheriff will be going back to Hendershott. (p. 27, II44)

Lisa Allen

Allen indicated that she has no firsthand knowledge of these rules, but has heard from others about them, particularly the memo first rule, which she brought to Sheriff Arpaio's attention. I asked her what Sheriff Arpaio's reaction was, and her comments were as follows.

A: I don't know, I don't think he had, he didn't, he doesn't react in the way I would like him to react, you know. I'd like him to, you know, I'd like him to get furious at the notion of not being able, 'cause I see it, you know, I see it in staff his own frustration. It goes around, no, nothing today, nothing today, nothing today, and you know, why do we even meet because we can't talk about anything. And he gets frustrated with it. But when I did finally tell him that, you know, they've been told, they have to submit something in writing to David, you know.

Q: Did he sound surprised?

A: I don't think he sounded surprised, I just think, you know, he just felt like, (sighs) you know. The Sheriff is a funny manager. I don't necessarily agree with him all the time, but I think he really feels that these are personal, these are personnel issues, and he rather just everybody handle it man to man, rather than, do I have to get involved and be the parent here. I don't want to be the parent. You be the adult, you guys handle it. And so he's never terribly surprised, it seems to me when these things come up. It's like, well, if you don't like it, go tell Dave you don't like it. Nobody will tell Dave anything. You'll never ever want to disagree with him. They don't. The other Chiefs. I really have never seen an organization where people are more afraid of a person than they are of him. (p. 48, Exhibit II2a)

Lisa Allen acknowledged that she could not recall with any precision exactly how Sheriff Arpaio responded to the receipt of information from her about the "memo first" rule,

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1 except to say that he did not seem to be surprised, and he did not ask her further
2 questions about it. She acknowledged, however, that Sheriff Arpaio knows that Allen
3 has very little respect for Hendershott.

4
5 Allen claims that since the MACE Unit was started, she saw "everything starting to go
6 sideways." She continued, "We started to file these lawsuits, it got totally and
7 completely out of control. Where every time someone crossed David, or he didn't like
8 an answer that he was getting from somebody over at the Board, or someplace else,
9 we'll just sue them. It was always his answer to sue." Allen considered the situation
10 "laughable, if it wasn't so pathetic." (p. 50, Exhibit II2a) She also claimed that Jack
11 Macintyre was cut off from providing any legal advice because Jack was disagreeing
12 with Hendershott. (p. 50, Exhibit II2a) She indicated that this occurred approximately a
13 year to a year and a half ago, although she is not sure of the precipitating events. I
14 asked Lisa Allen again whether she had gone to Sheriff Arpaio on a number of
15 occasions with issues about Hendershott's leadership, and what Sheriff Arpaio's
16 response has been. Her comments were as follows.
17

18 A: Ah, well it varies. Again, I think he sees it as a, kind of like a sibling
19 rivalry, so he is dismissive of it to some extent sometimes. Other times he will
20 say, oh, yeah, David's got his way of doing things. And you know, maybe not
21 everybody agrees, but you know, he is the Chief Deputy. Other times he'll brush
22 it off, 'cause he's just, he's got so much on his own plate. I don't even know how
23 he handles what he handles as well as he does. And so, you know, human nature
24 being what it is, he'll just blow it off and like, I can't even possibly deal with it
25 right now. So it depends. (p. 51, Exhibit II2a)

26
27 **Loretta Barkell**

28
29 Treatment by Hendershott. At the end of the first interview, Loretta brought up an issue
30 that related to the treatment she had received from Hendershott. According to Loretta,
31 all MCSO employees were required to take furlough in the last fiscal year, and at the
32 end of the fiscal year, there was a list of employees who had not taken the required
33 furlough, either at all or in a sufficient quantity of hours. A number of the individuals
34 were Chiefs, and she sent out an email attaching a list. She also indicated in this email
35 that there were individuals who made far less than the Chiefs do and they had taken all
36 their furlough. She requested that everyone take their furlough by a certain date.

37
38 Subsequently, she was called to Chief Hendershott's office, and told, as she put it, that
39 she had exceeded her "pay grade," and that her email was a "public lashing" of these
40 command personnel. She told him that she was doing it because she was the one who
41 would be reporting to the Sheriff why MCSO had not met the budgetary requirements
42 for furlough. Hendershott indicated that what she had done was so egregious that he
43 was going to write a memo to her file. He also told her that she was not to use email at
44 all any further.

45

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1 Subsequently, she received from Maricopa County the variance reports, which she
2 forwarded to the Chiefs, as she had done historically, and she would get comments
3 back from them. She did not think that she had violated Hendershott's instructions
4 about emails, because she thought that he meant composed emails for simply
5 forwarding on information that she had historically forwarded to the Chiefs. Shortly after
6 the email went out, he called her down to his office, and told her that he wanted to make
7 it perfectly clear that she was not to use email for anything or send anything to anybody.
8 (p. 116, Exhibit II6a) Loretta says that she subsequently got up and went to talk to
9 Sheriff Arpaio, because she thought that he wanted her to provide financial information
10 directly to the Chiefs, and that he did not see the need for Loretta to go through the
11 Chief Deputy on these issues. She pointed out that Hendershott had an issue with her
12 providing information of the financial status of MCSO. Barkell then described Sheriff
13 Arpaio's response.

14
15 And he said, well, is there a problem? I said, well the Chief Deputy has an issue
16 with me providing information on the financial status of things in the office right
17 now. He goes, well, everything should go through David now and if he wants it
18 to go out under his signature it will go out under his signature. I said, okay.
19 That's all I needed to know that you changed your mind on how you wanted it
20 done and I got up and left. (p. 116, Exhibit II6a)

21
22 Loretta subsequently went out on leave, and took several weeks off. She was finally
23 allowed to return to work on August 11, 2010, and she found out that Chief Hendershott
24 was scheduled to go out on medical leave two days after she returned to work.

25
26 No Controversy Rule and Memo First Rule. According to Barkell, since approximately
27 2005, Hendershott had instructed Barkell, and Barkell believes others, not to discuss
28 certain issues in front of the Sheriff at staff meetings. For example, overtime, which was
29 highly controversial, was something he told her not to bring up in staff, nor could she
30 discuss the status of the Sheriff's Office finances. As Loretta put it, "You couldn't really
31 have an open conversation in the room about pretty much anything controversial.
32 Anything that the Chief Deputy said in our mind would cause the Sheriff to stress we
33 couldn't talk about." (p. 90, Exhibit II6a) According to Barkell, "So, invariably, so, what
34 that meant was he would then go to each one of us and we wouldn't say anything.
35 We'd say, no, don't have anything, and he's be very frustrated, the Sheriff." (p. 90,
36 Exhibit II6a) According to Barkell, when the rule was broken by staff in staff meetings,
37 the person would know by the way that Hendershott would look at them. She does now
38 know whether Sheriff Arpaio knew about the No Controversy Rule.

39
40 The other rule, the "Memo First" Rule, was instituted by Hendershott in the spring of
41 2010, and was conveyed to the Executive Chiefs. Barkell indicated that he called all the
42 Executive Chiefs into Chief Sheridan's office, and, as Barkell put it, "proceeded to tell us
43 that we could not bring up anything in staff unless he knew about it ahead of time. And
44 that we had to provide him a memo the day before staff of the items we intended to
45 discuss in staff." (p. 91, Exhibit II6a) According to Barkell, if there was something on the

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1 memo that Hendershott did not want Executive Chiefs to discuss, he would tell them.
2 Loretta indicated that it was somewhat ridiculous, and there were jokes among her staff
3 about the Memo First Rule.

4
5 Loretta indicated that on the memos she did write, she always indicated that she would
6 answer any questions the Sheriff directed to her, because Sheriff Arpaio did pose
7 questions to her about a variety of issues. Loretta, as an Executive Chief, told her staff
8 that if they had any reports they wanted her to take to staff meetings, she needed to
9 have it in time to write a memo to Hendershott. Ms. Barkell indicated that she only
10 wrote a few memos, because she kept forgetting to do so. She does not believe that
11 Sheriff Arpaio was aware of the Memo First Rule, and the reason why she believes that
12 is because Hendershott had told her that she did not need to share with Sheriff Arpaio
13 his (Hendershott's) directive. (p. 93, Exhibit II6a) As Loretta put it, "there was definitely
14 a gag order on us. He wanted ultimate control." (p. 93, Exhibit II6a) Loretta
15 acknowledged that after Hendershott went on leave, and Jerry Sheridan became the
16 interim Chief Deputy, he rescinded the Memo First Rule.

17
18 **Paul Chagolla**

19
20 Memo First Rule Issues. Chagolla indicated that he was not aware of the "No
21 Controversy" Rule that has been around, according to some witnesses, for several
22 years, wherein persons were not to bring controversial issues to the attention of the
23 Sheriff during staff meetings. Chagolla did acknowledge that, in 2010, he was
24 instructed by Chief Freeman, his supervisor, to prepare an email or written message for
25 his supervisor relating to topics that he wanted to address in command staff meetings.
26 He was not aware of any specific issue that may have resulted in this request from his
27 supervisor, Scott Freeman, but his understanding of the logic for the rule was as
28 follows.

29
30 A: I wasn't aware of any specific topic or subject matter that was brought up
31 that resulted in this. I'm speculating here but I think it's, you know I've been
32 there for a while and understand nobody likes to get blindsided so if you're going
33 to bring up something in general staff that could create a potential issue for the
34 Chief Deputy and the Sheriff that we find a better venue to discuss those matters.
35 I certainly understand that. You don't walk into a general staff meeting and
36 broadcast information that is very sensitive. (p. 34, Exhibit II10a)

37
38 Chagolla did not believe that Dave Hendershott attempted to keep Sheriff Arpaio out of
39 the loop. Chagolla asserted that he has never been told by anybody on the command
40 staff not to raise an issue in a staff meeting.

41
42 **Karen Andrews**

43
44 Treatment of Barkell. Andrews indicated that Chief Hendershott was "sugary sweet" to
45 her, but she observed how Hendershott demeaned Loretta Barkell, as she put it,

1
2 He had a presence on the floor. When he put the Kevlar up on all the windows it began
3 to make us nervous and we knew that he had loaded guns in his office and when he
4 became involved in the thing with the county supervisors it was a very, very difficult for
5 everyone. (P.19, Exhibit II48)

6
7 **Brian Sands**

8
9 No Controversy Rule. Sands acknowledged that for a number of years, Hendershott
10 has discouraged controversial issues from being presented at staff meetings, however
11 Sands did not necessarily think that such a rule was inappropriate. According to Sands,
12 given the tendency to discuss, for example, personnel issues, because there is a large
13 number of persons sitting in the staff meetings, he thought that those discussions
14 should take place involving the Commanders and the Chiefs who were involved in the
15 personnel issues. Sands did not believe it was appropriate to be discussing personnel
16 issues in the context of this larger group. Sands also pointed out that at the staff
17 meetings, there are a number of civilian staff who sit at the table, and when issues are
18 tossed out, they begin running with it, and want to influence everyone else's decision
19 process about law enforcement issues, which causes long meetings, where nothing
20 much is settled.

21
22 Memo First Rule. Sands concurred that Hendershott did put out the "memo first" edict
23 approximately six months prior to the interview. Sands does not believe that civilian
24 staff were aware of Hendershott's directive in this regard, because Sands believes it
25 was only brought up to Jerry Sheridan, Scott Freeman and Brian Sands. The Executive
26 Chiefs then conveyed the rule to their immediate subordinates, the Deputy Chiefs.
27 According to Sands, the precipitating event for this rule was when an issue arose in a
28 meeting and the Sheriff asked Hendershott about it, and Hendershott was troubled
29 about being questioned by Sheriff Arpaio. Sands did not recall the nature of the issue,
30 but the reason for the rule was because Hendershott did not want to be surprised at
31 staff meetings. Sands did not believe that Sheriff Arpaio, at least at the time, was aware
32 of the "Memo First" Rule, and that persons at the meeting could not unilaterally bring up
33 issues that they wanted to.

34
35 Treatment of Barkell. Sands did not perceive that Hendershott has treated Loretta
36 Barkell inappropriately. He pointed out that there always been some conflict going on
37 between staff, but did not see where she was exceptionally called to task or singled out.
38 He also noted that Frank and Loretta Barkell are very close and talk frequently.

39
40 **Rollie Seebert**

41
42 No Controversy Rule. Seebert confirmed that this policy has been in place for a number
43 of years, in fact probably more than 8 years, and he learned about the policy through
44 "trial and error." Hendershott never specifically said that this was the policy, Rollie did
45 not know whether Sheriff Arpaio was aware of this unwritten rule. He did say that on

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1 several occasions, the Sheriff would bring up a topic in a staff meeting, and Dave
2 "would try to shut down a conversation." Rollie saw Hendershott and the Sheriff get into
3 disagreements on a couple of occasions, where Hendershott would say, "We'll talk
4 about that later," and Sheriff Arpaio would say, "No, we're going to talk about it now."
5 (p. 51, Exhibit II36)

6 Memo First Rule. Seebert has no firsthand knowledge relating to this rule, but he has
7 not been in staff meeting since 2006. He thought he has been to only one staff meeting
8 since his retirement.

9
10 **Jerry Sheridan**

11 Hostility toward Loretta Barkell or other staff. When asked what observations Sheridan
12 has made about Hendershott allegedly behaving hostile toward executive staff in
13 general and particularly toward Loretta Barkell, his comments were as follows.

14 A: Well, I don't want to single Loretta out, initially, Dave is, got the kind of
15 personality that you're either with him or you're against him. And if you disagree
16 with him he doesn't like, he doesn't like to be disagreed with. And so if you have
17 a contrary opinion, and all that, you quickly learn to keep it to yourself or suffer
18 the consequences. Loretta, for example, had a very difficult job, in that of course
19 probably one of the more powerful jobs in the office, and she was in charge of the
20 money. And Dave often had ideas of what to do and how to do things that were
21 contrary to others, but he was the Chief Deputy and so he would get his way, and
22 Loretta would try to make things happen. Knowing full well that she was going
23 to come upon a brick wall over at the County, and so she would be in constant
24 state of flux because of that. And so, I think that just took her toll, and Dave was,
25 again, Dave could be very, he could get very angry and if he didn't get his way.
26 And oftentimes he didn't. Probably not because of lack of Loretta trying to do
27 things, but because of the road blocks that she often came upon over at the
28 County. And she suffered the brunt of that. (pp. 35-36, Exhibit II37)

29 Sheridan indicated that approximately six to eight months prior to the interview,
30 Hendershott issued an order to the executive Chiefs, who included Sheridan, that they
31 were required to prepare a memo to Hendershott, outlining what was discussed, before
32 they brought the items to the attention of the Sheriff. As Sheridan put it, "as an
33 executive Chief, I had four Deputy Chiefs that reported to me and if one of five of us
34 wanted to talk about anything in a staff meeting, I had to put it in writing, submit it to the
35 Chief Deputy before the staff meeting to get his approval." (p. 36, Exhibit II37) When
36 asked what the purported purpose of the rule was, Sheridan's comments were as
37 follows.

38 I believe that somebody said something in the staff meeting that caught Dave
39 flatfooted, he wasn't aware of it, the Sheriff wasn't happy. The Sheriff got angry

1 at Dave over something, I don't remember what the issue was, and that day the
2 rule came out. (pp. 36-37, Exhibit II37)

3
4 Sheridan acknowledged that a person could not spontaneously bring up any issue in a
5 staff meeting in front of Sheriff Arpaio, after this rule was instituted. His additional
6 comments were as follows.

7
8 A: And the fact that it had to be in writing was a further ratcheting down
9 of the information flow, because we had a general rule for many, many years, that
10 didn't want to bring up anything that was controversial in the staff meeting. We
11 didn't really want to talk about anything of significance as maybe transfers or
12 organizational changes, that kind of thing. So, we didn't really bring up a lot of
13 substance in the meeting because the Chief didn't really want that kind of
14 business to go on in our staff meetings. (p. 37, Exhibit II37)

15 The following further discussion took place in the investigative interview.

16
17 Q: From a managerial standpoint, Jerry, was the "no talking rule" or the
18 general rule that you've had for several years, not to bring up anything of
19 significance, or controversy at the meetings, I mean, are these viable productive
20 rules by which to manage a law enforcement agency?

21
22 A: Absolutely not, and soon as I took the interim Chief Deputy's job, I did
23 away with all that stuff.

24
25 Q: So you have since revoked these rules?

26
27 A: Yes, Sir.

28
29 Q: Were these rules done, as far as you understand, with the blessing and
30 knowledge of the Sheriff?

31
32 A: I don't think he knew.

33
34 Q: Really. So, how was it that Hendershott conveyed the "no talking rule" to
35 the Command staff, in such a way that the Sheriff wouldn't know?

36
37 A: Ah, I don't remember how, when you talk about the no talking rule, I
38 assume you're talking about the written, you know, putting it in writing.

39
40 Q: That's correct.

41
42 A: I'm thinking that Dave came around to us, to the executive Chiefs, and
43 kind of gave us a little bit of an ass chewing about that. And said this is the way
44 it's going to be. (pp. 37-38, Exhibit II37)

1
2 Sheridan indicated that for a number of years, there had been a standing rule, apart
3 from the "Memo First" Rule, that controversial issues were not to be brought up in staff
4 meetings before Sheriff Arpaio, and this rule had been instituted by Hendershott.

5
6 As to whether the Sheriff was aware of these rules, the following information was
7 discussed in the interview.

8
9 Q: But as far as you know the Sheriff didn't know about the no talking rule.
10 What about the general rule that you've had for a couple of years, that you've also
11 since revoked?

12
13 A: It's my opinion that he did not know about either rule. He would have
14 been pretty pissed. I don't think he knows that I've lifted those rules. (p. 38,
15 Exhibit II37)

16
17 When asked how Hendershott had conveyed the "No Controversy" Rule, he was not
18 sure, but he believes that Hendershott basically just circulated among command staff,
19 possibly when the Sheriff one day, or came in late, and talked to them about it. As
20 Sheridan put it, "Dave didn't have to say things twice." (p. 38, Exhibit II37)

21
22 **Dave Trombi**

23
24 No Controversy Rule. Trombi denied that there was an unwritten policy to not bring up
25 controversial matters at staff meetings in front of Sheriff Arpaio; rather, what he recalls
26 has been a long standing understanding that personnel issues would not be brought up
27 in staff meetings, but rather handled by the bureau Commanders. He thought maybe
28 he learned about this during his indoctrination of becoming a Deputy Chief. The idea
29 was that personnel were not to "trash" other personnel in front of everyone at the staff
30 meetings.

31
32 Memo First Rule. Trombi acknowledged that there was such a rule, and before staff
33 meetings, he would write down quick notes on a piece of paper about what he wanted
34 to discuss. He believes that he learned about this rule from Brian Sands. Trombi said
35 that he was never told by Hendershott not to talk about something. Trombi denied that
36 he was ever told by Hendershott not to proceed with introducing an issue at a staff
37 meeting.

38
39 **Terry Young**

40
41 Young indicated that he has never gone to Sheriff Arpaio to express any concerns that
42 he has had with the conduct or behavior of Chief Hendershott. According to Young,
43 "the Chief Deputy has made it clear we don't share with the Sheriff and stuff. That's for
44 me to do. You come to me with things." (p. 57, Exhibit II45a) As such, even in staff

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1 meetings, Hendershott had made it clear that "we don't really discuss business to the
2 Sheriff." (p. 57, Exhibit II45a)

3
4 Young agreed that there was a long-standing, "No Controversy" Rule at staff meetings,
5 that have been in place at least since Terry has been a Chief Deputy. Hendershott's
6 explanation to Young as to why, as expressed by Young in the interview, was as
7 follows.

8
9 A: Basically, I don't want to get him all riled up and bothered him out and
10 stuff like this, 'cause there's all these legal things and he doesn't fully get it, so I
11 don't want you bringing that stuff up in staff, that's stuff that we'll talk about and
12 I'll decide what he needs to hear. Okay, and you can tell if somebody in staff
13 starts having a discussion that's crossing the line that the Chief Deputy is not
14 comfortable with. 'Cause he'll let you know. (p. 58, Exhibit II45a)

15
16 According to Young, Hendershott's pattern, when he wants to stop someone from
17 talking at a staff meeting, is to pull his glasses down, and glare at them until they get the
18 idea. Most of the staff members understand when they're just "heading for trouble," so
19 they stop and that's the end of it. When someone does feel confident enough to
20 continue, Young explained, Hendershott tends to divert the conversations into
21 something else.

22
23 He also understood that there was a "Memo First" Rule about which Young recently
24 learned from Scott Freeman, who told Terry that, per Hendershott, he (Freeman) could
25 not bring up anything in staff unless he gave Hendershott a memo first.

26
27 **David Hendershott**

28
29 Treatment of Loretta Barkell. When asked if Hendershott had engaged in the conduct
30 toward Barkell attributed to him, set forth in the Munnell Memo, he did not answer the
31 question, but launched into an extensive diatribe about how he had received complaints
32 over the years from a number of different individuals about how Loretta Barkell behaved
33 inappropriately towards staff or other County employees. (See pp. 13-16, Exhibit II16f.)

34
35 Hendershott was redirected to the issue at hand and that concerned whether he had
36 regularly badgered Loretta Barkell. His response was as follows.

37
38 A: Well, badgered is a bad word for it. I, really I talked to counsel and our
39 counsel gave me some information that caused me to be concerned that Loretta
40 may not be giving us all the straight skinny. The Sheriff was really concerned and
41 so I asked Loretta to, you know, for example, if she said that something was this
42 way I would respond to her in an email.... (p. 17, Exhibit II16f)

43
44 Hendershott also claimed that he received reports back from attorneys who were
45 engaged to issues on behalf of the Sheriff's Office about her lack of cooperation in

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1 supplying information to them. Hendershott acknowledged that after she had sent out a
2 memo, in which had reportedly "made all the Chiefs mad," he did call her in and told her
3 that if she needed to communicate to senior staff, she should send an email to him, and
4 he would send it out under his name. Hendershott said that he wanted to "give her a
5 month or so" to see how she writes the emails, to gauge whether her demeanor was
6 appropriate in written communications. She could not send out any communication
7 under her name alone to senior staff, which, according to Hendershott, is what the
8 Sheriff wanted, and what Hendershott himself wanted.

9
10 Hendershott indicated that there was, secondly, the issue with legal counsel, which
11 "needed facts" relating to a number of lawsuits. When Loretta was reportedly
12 unresponsive, according to Hendershott, he asked her what was going on, and she
13 wrote a Hendershott a fairly lengthy email offering her explanations. Hendershott was
14 looking for Loretta to provide substantiation for information that she provided, that would
15 be helpful in the defense of the Sheriff's Office, but she did not provide it. Third,
16 Hendershott said, there were concerns expressed by her senior staff they did not know
17 why she was taking some actions, because it didn't make sense.

18
19 When asked whether Hendershott had dictated what kind of meetings could or could not
20 attend, and who she could or could not talk to at the County and within the office,
21 Hendershott asserted that Sheriff Arpaio did not want her to talk to the media, about her
22 communications to persons in County administration, when MCSO was in litigation.
23 According to Hendershott, "When she went somewhere, I wanted somebody to go with
24 her. Okay? Either take Don Schneidmiller with her, or whatever, because we had an
25 uneasy feeling that perhaps there was something wrong." (p. 21, Exhibit III16f)

26
27 Hendershott indicated that he placed these communication restrictions on Barkell on the
28 same day that he talked to her about the email (relating to command Officers not taking
29 furlough) that had so upset command personnel. He also instructed her to copy MCSO
30 lawyers on written communications. However, Barkell, Hendershott believes, never
31 sent any of her emails to the lawyer.

32
33 When asked whether Barkell was asked to find a spy in Maricopa County administration
34 for the Sheriff's Office, Hendershott stated that during the MCSO investigations, they
35 were working on a number issues with the County. As he put it,

36
37 ...the point is she was asked if she knew anybody, or, you know, she knew the
38 people over in the county and so I said, Loretta, keep your ears open if you ever
39 hear anybody over that, that frankly may provide us information about how they
40 handled these things. Now, I can tell you without Loretta's help that subsequently
41 we did find out information from people in the county because other sources
42 spoke to other people... (p. 21, Exhibit III16f)

43

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1 Hendershott acknowledged that he might have said "spy," or made the statement, "We
2 need a spy over there." (p. 21, Exhibit II16f) This was done on the logic, expressed by
3 Hendershott, that "all budget people hang together."

4 Hendershott explained that Maricopa County was trying to cut the MCSO budget, and
5 "find something bad with our [MCSO's] budget." (p. 22, Exhibit II16f) Hendershott
6 indicated that Barkell was over there frequently, and he had basically instructed her to
7 "keep your ear to the ground and see if somebody says something, let me know,
8 because that might help us." The only information she provided, apparently in response
9 to this request, was that the Maricopa County CFO had told her that David Smith had
10 told the CFO not to pay MCSO attorney bills. Subsequently, Hendershott filed a bar
11 complaint to the state bar, relating to these issues.

12
13 Hendershott denied that he behaved disrespectfully or arrogantly toward Barkell.

14
15
16 No Controversy Rule. As to what has been termed in our investigation the "No
17 Controversy" Rule, Hendershott advised that for many years, the Sheriff would let staff
18 speak freely. However, as he put it,

19
20when things got heavy and contentious, or whatever, and the staff would bring
21 something up and I knew nothing about it before they would bring it up, okay, it
22 really made things difficult because the Sheriff would become upset. I wouldn't
23 know anything about it. And invariably it would cost us all work because I would
24 have to now go back and find out what happened in this particular situation and
25 report back to the Sheriff. So what I did was I said, listen, give me an idea of
26 what you're going to say so if it's something I don't know anything about you can
27 tell me. Okay? But it wasn't, don't bring up controversy. God, we live in
28 controversy. (pp. 22-23, Exhibit II16f)

29
30 Hendershott considered this to be a courtesy, where he was advised of what issues
31 were going to be brought up. As he went on to say, one reason for his request was "so
32 it would just let me get a hold of that person and say, hey, what's the deal on this so I
33 didn't look like an idiot in staff because I didn't know anything about it." (p. 23, Exhibit
34 II16f) Hendershott indicated that Sheriff Arpaio has a tendency, when something goes
35 wrong, to ask Hendershott whether he knew about it, and it was apparent that
36 Hendershott did not like to say, "I don't know, Sheriff," and the Sheriff did not like to hear
37 that as well. (p. 23, Exhibit II16f)

38
39 Hendershott acknowledged that there was "a lot of controversial stuff going on and
40 sometimes something would come out." He acknowledged, "I just didn't want to be
41 blind-sided and then have to sit there and tell the Sheriff I didn't know about it. Because
42 that frankly wasn't good for them and it sure wasn't good for me." (p. 23, Exhibit II16f)

43
44 Memo First Rule. As regard what the team has referred to as the "memo first rule",
45 which reportedly Hendershott had instituted in 2010, Hendershott claimed that what we

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had discussed earlier, under the "No Controversy" Rule, was indeed the "Memo First" Rule, that he had ever informally had a "No Controversy" Rule. He did acknowledge the "Memo First" Rule, which he talked to the Executive Chiefs about in 2010.

Hendershott indicated that he had no problems with command personnel speaking directly to the Sheriff about their concerns. Hendershott's response to this question from Sheriff Babeu, during the course of the investigative interview, was as follows.

A: Alright. The last part about the Sheriff sees you as being disloyal. That's nonsense. But I can tell you on a regular basis Scott would say something to the Sheriff that would make the Sheriff mad and the Sheriff would contact me and I would go find him and I'd say, Scott, you blew yourself up this morning and I tried to relay to him, why he upset the Sheriff. Okay? In other words, you know, because everybody's got their ability to communicate and Scott seemed to have this way of communicating to the Sheriff that concerned the Sheriff that Scott didn't understand what was going on. And that was part of the problem that the Sheriff, for many years, had. And I'm not sure. I might, I know that Lisa Allen forever would pick on Scott because she wanted to have somebody else in there. Okay? But, you know I, and I don't know what was said to Scott, but if the Sheriff would come to me and say, hey, you got to go talk to him. But, you know what, this, this thing about loyalty, I can't tell you how disturbing that is to me if Scott really said that. Because it was, it was instructionally, morally I was trying to teach Scott how to keep his fanny out of the fire. But, invariably he would say something that maybe the Sheriff misunderstood, and, you know, he'd cry on my shoulder a little bit, as everyone else would do because they would meet the Sheriff and invariably say something that, you know, the communication was solid. And, you know, and the Sheriff's very, very mission oriented. (pp. 26-27, Exhibit II16f)

It was brought to Hendershott's attention that, Scott Freeman had reported that Hendershott had questioned him, when Freeman had gone directly to the Sheriff about an issue, and suggested that Sheriff Arpaio had seen him as disloyal. Hendershott's response was as follows.

Alright. The last part about the Sheriff sees you as being disloyal. That's nonsense. But I can tell you on a regular basis Scott would say something to the Sheriff that would make the Sheriff mad and the Sheriff would contact me and I would go find him and I'd say, Scott, you blew yourself up this morning and I tried to relay to him, why he upset the Sheriff. Okay? (p. 26, Exhibit II16f)

It was pointed out that there were allegations made the Hendershott filtered and protected information, and did not allow information to freely flow to the Sheriff. Hendershott's response was as follows.

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1 A: Well, I think you'd be surprised what the Sheriff knows. Okay? I keep
2 the Sheriff regularly informed. The Sheriff, first off, there was no Praetorian
3 guard of me keeping people from going in and talk to the Sheriff. I don't care
4 who talks to the Sheriff. Anybody could go in and talk to the Sheriff. Okay?
5 What happened a lot is is they would say something to the Sheriff. The Sheriff
6 would be upset and then it would not be the correct information and then the
7 Sheriff would, yeah, and then it would be something that had broken down
8 between the communication as to what happened and what was told the Sheriff.
9 Okay? And, communicating with the Sheriff is important. And I did it every day.
10 Some people did it with a lot more skill. Okay? And some people did it with less
11 skill. And the Sheriff would come away, whether somebody was doing their job
12 well or doing something that concerned him. And yeah, he would get angry with
13 them. Some of them would go away and oh, my God, I really screwed up, you
14 know, how did I, you know. And I wouldn't know about it. Okay? Now, I will
15 tell you, the last thing I can do is worry about who talks to the Sheriff and who,
16 the Sheriff can talk to anybody he wants. Okay? And I didn't care one iota ever.
17 That was something that, and you know what? And it was kind of like listen, if
18 you go brief the Sheriff on something, or the Sheriff says something to you and
19 you tell him what it is, you had better make sure that it is in stone with cement
20 wrapped around it and you had better make sure it is absolutely correct, because
21 he will take that information and may say it on TV. He may do something
22 somewhere else. So, you better have your stuff together. And we had a series of
23 issues where people would talk to him. They'd tell him information. He'd go on
24 TV, the information would end up being false and then he'd take a hit for it. And
25 then he'd come back and he'd be upset because he got told the wrong
26 information. He would come to me to basically go and discuss it. And so that
27 was my concern. Look, if you want to talk to the Sheriff, go talk to the Sheriff.
28 But you had better be right. And that's what this is all about. (pp. 27-28, Exhibit
29 II16f)

30
31 Hendershott indicated that command staff meetings were held twice a week, on
32 Mondays and Thursdays, but the Sheriff collected information on his own by directly
33 calling Deputy Chiefs, District Commanders, or others, or he "might walk down the
34 hallway." Hendershott did not believe that an environment had been created in staff
35 meetings where no one could bring up an issue that Hendershott had not previously
36 approved. Hendershott claimed that command Officers did not need Hendershott's
37 approval to bring matters before the Sheriff at staff meetings, only that they tell him what
38 they were going to be presenting.

39
40 Recorded discussion with Barkell. Hendershott says that he had recorded his
41 discussion with Barkell because she was a female who had come into his office by
42 herself. He stated further, "I wanted to do everything I could to protect the office and
43 myself because I had already been advised by counsel that she was trying to go for a
44 constructive discharge." (p. 37, Exhibit II16g) Hendershott claimed, when asked if he
45 was going to discipline her, that he told her that he was going to "memorialize it,"

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1 referring to her behavior, but she was never disciplined because the next day she went
2 out on FMLA.
3